IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:21-cv-00048-MR

RONNIE DALE WHITENER,)
Plaintiff,)
vs.)
THE RUTHERFORD COUNTY DETENTION CENTER, et al.,)) ORDER
Defendants.)

THIS MATTER is before the Court on the Plaintiff's pro se "Motion for Court to Inforce [sic] Subpoena to Sheriff Chris Francis" [Doc. 27], and "Notice of Compliance of Subpoena to Sheriff Chris Francis" [Doc. 29].

The *pro* se incarcerated Plaintiff, proceeding in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983, the Federal Tort Claims Act ("FTCA") and North Carolina law, addressing incidents that allegedly occurred at the Rutherford County Detention Center.¹ [Doc. 1]. The Complaint passed initial review against a John Doe sergeant and two John Doe correctional officers for the imposition of unwanted medical treatment,

¹ The Plaintiff's current address of record is at the Morgan County Correctional Complex in the Tennessee Department of Corrections.

the use of excessive force and failure to intervene, and retaliation, and the remaining claims were dismissed. [Doc. 16]. The Court allowed the Plaintiff to seek limited discovery from the Rutherford County Sheriff, Chris Francis, so that he could identify and prepare summons forms to serve the John Doe Defendants. [Doc. 24].

In the instant Motion, the Plaintiff asks the Court to compel Sheriff Francis to produce documents to help him identify the John Doe Defendants. [Doc. 27]. He subsequently filed a Notice of Compliance of Subpoena to Sheriff Chris Francis explaining that he has received the requested documents. [Doc. 29]. He has now filed proposed summons forms for service on the Defendants, Officer John Cooley, Officer Joshua Goodwin, and Sergeant John Patterson. [Doc. 28]. The Clerk will be instructed to direct the U.S. Marshal to effectuate service, and to correct the Court's records to reflect that the John Doe sergeant is John Patterson, and that the John Doe officers are John Cooley and Joshua Goodwin.

IT IS, THEREFORE, ORDERED that the Plaintiff's "Motion for Court to Inforce [sic] Subpoena to Sheriff Chris Francis" [Doc. 27] is **DENIED AS**MOOT.

The Clerk is instructed to direct the U.S. Marshal to effectuate service upon Defendants John Patterson, John Cooley, and Joshua Goodwin, and

to substitute the Defendants' names for John Does 3, 4, and 5, respectively, in the Court's records.

IT IS SO ORDERED. Signed: March 2, 2022

Martin Reidinger

Chief United States District Judge